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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,914	08/20/2001	Nikolai K.N. Leung	010438	7752

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QUALCOMM INCORPORATED		
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EXAMINER	
GELIN, JEAN ALLAND	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
08/21/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/933,914	LEUNG ET AL.	
	Examiner	Art Unit	
	Jean A. Gelin	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/23/07 has been entered.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-6 are directed to signal that is not a physical embodiment. To be a statutory claim, the claimed subject matter must convey a process, machine, manufacture, or composition of matter, which are not the characteristic of a communication signal. Claiming nonfunctional descriptive material such as a signal on a carrier wave does not make the claims statutory. Broadcast session on a broadcast transmission channel and processing payload data of the broadcast session are just manipulation of data. Claiming a signal on a carrier wave could never be statutory. Claims 1-6 do not require any physical transformation and the invention as claimed does not produce a useful, concrete, and tangible result.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 3-4 are rejected under 35 U.S.C. 102(a) as being anticipated by Gagnon et al. (EP 1 024 661 A2).

Regarding claim 3, Gagnon teaches a method of transmitting a communication signal transmitted on a carrier wave (i.e., broadcasting video over the air, col. 10, lines 45-55), the signal comprising: transmitting a broadcast session portion on a broadcast transmission channel (i.e., broadcasting video, col. 6, lines 25-39, col. 29, line 39 to col. 31, line 57). Gagnon further teaches a session description protocol message (SDP message) interleaved with the broadcast session portion (i.e., actions to be taken on receipt of the information interleaves with the standard field of the SDP protocol that includes various types of information such as video/audio signals, session identifier, the name of the SDP session, list of Internet WebPages, col. 29, line 39 to col. 30, line 57); wherein the SDP provides information for processing payload data of the broadcast session (i.e., providing information including actions to be taken on receipt of the information, col. 29, line 39 to col. 30, line 57; by selecting the clips from the program guide, the system has to process the requested or selected clip and transmits the clip to the user, cols. 16-18).

Regarding claim 4, Gagnon further teaches wherein the signal is transmitted via a broadcast transmission channel (col. 8, line 53 to col. 9, line 11).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagnon et al. (EP 1 024 661 A2) in view of Raith (6,510,515).

Regarding claim 1, Gagnon teaches in a wireless communication system supporting a broadcast service (i.e., system that broadcast video or multimedia data over the air, col. 10, lines 45-55), a method comprising: transmitting a broadcast session on a broadcast transmission channel (i.e., the broadcast session is video programming or multimedia data, col. 10, lines 45 to col. 11, line 17).

Gagnon further teaches broadcast information interleaved with the broadcast session on the broadcast transmission channel (corresponding to col. 11, line 46 to col. 12, line 26, wherein the transmission of packet data, the packetized data stream includes a header that identifies the contents of data packet (audio/video programming) (i.e., the header that identifies the content is included in the broadcast signal). In another word, the header interleaved with the audio and video programming.

Gagnon teaches processing payload data of broadcast session by selecting the clips from the program guide, the system has to process the requested or selected clip and transmits the clip to the user, cols. 16-18). Gagnon does not explicitly teach wherein the broadcast overhead information provides information for processing payload data of the broadcast session.

However, the preceding limitation is known in the art of communications. Raith teaches broadcast service information is provided in a cellular (fig. 4 and col. 1); broadcast information such as stock information is broadcast to users (figs. 2-4 and col. 3); and an encryption service key is provided on a BCCH which allows the system to recognize users based on information in the broadcast message (figs. 2-4 and cols. 9-10). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the technique of Raith within the system of Gagnon in order to prevent user who does not pay the monthly subscription fee to obtain stock quotes information in the broadcast channel.

Regarding claim 2, Gagnon in view of Raith teaches all the limitations above. Gagnon further teaches the broadcast packetized data in a session description protocol message containing information for processing the broadcast session, and wherein the session description protocol message is interleaved with broadcast content of the broadcast session (col. 30, line 4 to col. 31, line 57).

Regarding claims 5, 7, Gagnon in view of Raith teaches all the limitations above. Gagnon further teaches in a wireless communication system supporting a broadcast service (i.e., system that broadcast video or multimedia data over the air, col. 10, lines

45-55), a method comprising: accessing a broadcast session on a broadcast channel; and processing the broadcast session using the SDP message (col. 29, line 39 to col. 30, line 57).

Gagnon further teaches receiving a session description protocol (SDP) message interleaved to the broadcast session on the broadcast channel (corresponding to session description protocol (SDP) are periodically broadcast or periodically receive, col. 13, line 49 to col. 14, line 12), the standard field of the SDP protocol includes various types of information such as video/audio signals, session identifier, the name of the SDP session, list of Internet WebPages that can provide additional information, col. 29, line 39 to col. 30, line 57).

Gagnon does not explicitly teach wherein the broadcast overhead information provides information for processing payload data of the broadcast session.

However, the preceding limitation is known in the art of communications. Raith teaches broadcast service information is provided in a cellular (fig. 4 and col. 1); broadcast information such as stock information is broadcast to users (figs. 2-4 and col. 3); and an encryption service key is provided on a BCCH which allows the system to recognize users based on information in the broadcast message (figs. 2-4 and cols. 9-10). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the technique of Raith within the system of Gagnon in order to prevent user who does not pay the monthly subscription fee to obtain stock quotes information in the broadcast channel.

Regarding claim 6, Gagnon in view of Raith teaches all the limitations above. Gagnon further teaches wherein the SDP message is interleaved with broadcast content of the broadcast session (col. 30, lines 4-32).

Regarding claim 8, Gagnon in view of Raith teaches all the limitations above. Gagnon further teaches means for receiving header compression information (col. 29, line 39-42).

Regarding claim 9, Gagnon in view of Raith teaches all the limitations above. Gagnon further teaches memory storage adapted to store the SDP corresponding to a plurality of broadcast sessions, wherein the SDP of each of the plurality of broadcast sessions is updated when the corresponding broadcast session is accessed (col. 29, line 39 to col. 30, line 54).

Regarding claim 10, Gagnon in view of Raith teaches all the limitations above. Gagnon further teaches wherein the memory storage is a cache memory (i.e., SDP+ records various information that can use in the system, col. 30, lines 24-32).

Regarding claim 11, Gagnon in view of Raith teaches all the limitations above. Gagnon further teaches wherein the memory storage is a look up table (col. 31, lines 17-25).

Response to Arguments

7. Applicant's arguments filed 07/23/07 have been fully considered but they are not persuasive.

As per claims 3 and 4, the Applicant argues with substance that Gagnon does not teach a session description protocol message (SDP message) interleaved with the broadcast session, wherein the SDP message provides information for processing the broadcast session. In distinct contrast, Gagnon transmits information that is used to build a structure independent of the processing of the broadcasting session and so on. However, the Examiner disagrees with the preceding assertion. The claims are broad enough to read on the Gagnon's reference. The Examiner interprets the claims as follow: transmission of video and audio programming (i.e., multiples session) to receivers correspond to broadcast session, see paragraph 31 and paragraphs 83-88); a session description protocol message (SDP message) interleaved with the broadcast session, wherein the SDP message provides information for processing the broadcast session is read on Gagnon's reference wherein the SDP + record are periodically broadcast by the transmission station (corresponding to broadcast SDP), and processed by the receiver station clearly the SDP + records interleaved the broadcast file data. The SDP message includes a number of fields, which are assembled into a single record or file to provide information on available services (corresponding to SDP message assembled or interleaved with broadcast session, paragraphs 36 and 83-88).

The Applicant further argues that "the SDP message provides information for processing payload data of the broadcast session" is not disclosed in the Gagnon reference. However, the Examiner disagrees with the preceding assertion. Gagnon teaches the user can select clips from the program guide which includes clips of multiple broadcast channel to be transmitted to the user. The Examiner interprets the

clips as payload data; by selecting the clips the system has to process the request and transmits the clip to the user. The Examiner maintains that the program guide is not independent of actual payload data of the broadcast session because the clips within the program guide are payload data of the broadcast session. Therefore, the rejection recited above is maintained.

The Applicant further argues that providing a program guide to aid in broadcast session selection does not disclose a SDP message interleaved with the broadcast session. However, the Examiner maintains that Gagnon further discloses broadcasting SDP message to all subscribers, and the SDP message includes text messages, images, run command, and filed data such as still pictures and moving video clips (corresponding to SDP message interleaved with the broadcast session). Therefore, the rejection is maintained and is made final.

As per claim 1, 2, and 5-11 are rejected as recited in view of new ground of rejections.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

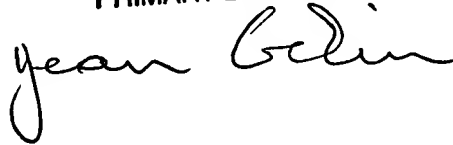
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JGelin
August 15, 2007

JEAN GELIN
PRIMARY EXAMINER

A handwritten signature in cursive script, reading "Jean Gelin", positioned below the printed name and title.